

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DIVISION OF TEXAS
BEAUMONT DIVISION**

No. 9:08-CR-49

United States of America

v.

William Franklin Duncan

Defendant

**Report and Recommendation
of United States Magistrate Judge**

Defendant's "Motion to Suppress" is referred to the undersigned for consideration and a report with recommended disposition. See Referral Order, May 7, 2009.

The parties have reached an agreed resolution of the case, and no longer desire a hearing or ruling on the motion to suppress.

Recommendation

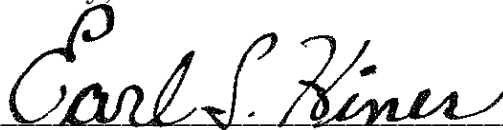
Defendant's Motion to Suppress (**Docket No. 11**) should be denied as moot.

Objections

Objections must be: (1) specific, (2) in writing, and (3) served and filed within ten days after being served with a copy of this report. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 1(a), 6(b), and 72(b).

A party's failure to object bars that party from: (1) entitlement to de novo review by a district judge of proposed findings and recommendations, see Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988), and (2) appellate review, except on grounds of plain error, of unobjected-to factual findings and legal conclusions accepted by the district court. See Douglas v. United Servs. Auto. Ass'n., 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED this 27 day of May, 2009.

A handwritten signature in black ink, reading "Earl S. Hines", written over a horizontal line.

Earl S. Hines
United States Magistrate Judge